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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/972,930	10/10/2001	Yuki Akiyama	TESJ.0040	4840
38327	7590	07/29/2004	EXAMINER	
REED SMITH LLP 3110 FAIRVIEW PARK DRIVE, SUITE 1400 FALLS CHURCH, VA 22042			TAYLOR, APRIL ALICIA	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 07/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/972,930

Applicant(s)

AKIYAMA, YUKI

Examiner

April A. Taylor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11, 12, 19 and 20 is/are allowed.
- 6) ☒ Claim(s) 1-10 and 13-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01 June 2004 has been entered.

### ***Claim Objections***

2. Claims 10 and 20 are objected to because of the following informalities:
- Re claim 10: Insert a comma after "an on-and-off light signal" (see line 2).
- Re claim 20: Substitute "can be" with -- is -- (see line 2).
- Appropriate correction is required.

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### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-10, 13-15, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Kitagawa (US 2003/0120555 A1).

Re claims 1, 8, 9, and 10: Kitagawa teaches an information processing system comprising:

an information display member, wherein the information display member is a poster, signboard, or an ad hung down in trains;

at least one mobile communication terminal of a public mobile communication system for reading at least a portion of the display information displayed on the information display member;

wherein the information display member comprises an information recording element in which necessary and/or optional information of the information portion is stored and a signal member for notifying an existence of the information recording element, and the mobile communication system further comprises means for detecting the signal member, wherein the signal member carries a signal displayed by figures;

the mobile communication system comprises a reader mechanism for reading information recorded in the information recording element and a display mechanism for displaying the read information, and the information recorded in the information recording element including the portion of the display information displayed on the information display member; and

means for displaying in an enlarged manner a desired portion of the information displayed on the display mechanism of the mobile communication system. (See page 3,

paragraphs 0044-0045; page 16, paragraphs 0224-0232; and page 20, paragraph 0257)

Re claim 2: Kitagawa teaches wherein the information recording element is a bar code (see page 16, paragraphs 0224-0232; and page 20, paragraph 0257).

Re claim 3: Kitagawa teaches wherein the information recorded in the reader mechanism is transferred to a system having a function of a communication terminal (see page 3, paragraphs 0044-0045; page 16, paragraphs 0224-0232; and page 20, paragraph 0257).

Re claim 4: Kitagawa teaches wherein the information recorded in the reader mechanism is transferred via a net line of a LAN (see page 3, paragraph 0044).

Re claim 5: Kitagawa teaches wherein the information recorded in the reader mechanism is further recorded in a personal computer (see page 3, paragraphs 0044-0045; page 16, paragraphs 0224-0232; and page 20, paragraph 0257).

Re claim 6: Kitagawa teaches wherein text information is stored in the information recording element (see page 3, paragraphs 0044-0045; page 16, paragraphs 0224-0232; and page 20, paragraph 0257).

Re claim 7: Kitagawa teaches wherein the information recorded in the reader mechanism is copied (see page 3, paragraphs 0044-0045; page 16, paragraphs 0224-0232; and page 20, paragraph 0257).

Re claim 13: Kitagawa teaches wherein the mobile communication system includes a mobile phone (see page 3, paragraphs 0044-0045; page 16, paragraphs 0224-0232; and page 20, paragraph 0257).

Re claim 14: Kitagawa teaches wherein the reader mechanism reads information from the information recording element in a non-contact manner (see page 3, paragraphs 0044-0045; page 16, paragraphs 0224-0232; and page 20, paragraph 0257).

Re claim 15: Kitagawa teaches wherein the bar code is a stack bar code or a data matrix bar code (see page 16, paragraph 0225)

Re claim 18: Kitagawa teaches wherein the mobile communication system further comprises reading-out means for reading the text information into voice (see page 3, paragraphs 0044-0045; page 16, paragraphs 0224-0232; and page 20, paragraph 0257).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. ~~Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable~~  
over Kitagawa (US 2003/0120555 A1). The teachings of Kitagawa have been discussed above.

Re claims 16 and 17: Kitagawa fails to teach or fairly suggest an information recording element including an IC chip having a coil antenna. However, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made

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to substitute an information recording element including a IC chip to the teachings of Kitagawa in order to store a large amount of information and to transmit the information faster and more efficiently. Accordingly, substituting an IC chip would have constituted an obvious expedient well within the ordinary skill in the art.

***Allowable Subject Matter***

7. Claims 11, 12, 19, and 20 are allowable over the prior art.
8. The prior art of record, taken alone or in combination, fail to teach or fairly suggest a system for reading text display information including an information recording element having a function of counting the number of times information is read, and wherein the number of counts can be stored in a recording medium.

***Conclusion***


9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kirner (US 2002/0046040) discloses an information and communication system; and Oshida (JP 2002312269) discloses a bar code information provision system.
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to April A. Taylor whose telephone number is (571) 272-2403. The examiner can normally be reached on Monday - Friday from 6:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [april.taylor@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
April A. Taylor  
July 23, 2004



**THIEN M. LE**  
**PRIMARY EXAMINER**